

for detecting the mass and/or moisture of material running through a spinning preparation machine. The purpose of detecting the mass and/or moisture content is to provide feedback inputs to the spinning equipment on a continuous basis so the equipment will produce a consistent product. Claim 8 recites in pertinent part “an apparatus for determining the mass of portioned units of active substances, in particular, capsules, tablets or dragees.” In contrast, Herrmann teaches the measurement of the mass per unit length of material running through a microwave resonator. Herrmann does not disclose, teach or suggest an apparatus for determining the mass of portioned units as required by claim 8.

Claim 8 also recites “a device for removing individual units of active substances.” Herrmann discloses testing of strands of material to determine its mass per unit length and does not disclose, teach or suggest “a device for removing individual units of active substances” as recited in claim 8. Herrmann discloses a continuous process for maintaining the quality of material produced in a spinning preparation machine and does not disclose, teach or suggest the removal of any strand or individual unit.

Claim 8 further recites “and a second microwave resonator with measuring and evaluation electronics for determining the mass of the units of active substances before filling.” Herrmann discloses testing strands of material and does not disclose, teach or suggest “determining the mass of portioned units of active substances” or “determining the mass of the units of active substances before filling.”

As discussed above, Herrmann does not disclose, teach or suggest several limitations of claim 8. The apparatus of Herrmann is from a distinct and very different field of technology. Claim 8 is patentable over Herrmann for at least these reasons.

Claims 9-12 and 20 depend directly or indirectly from claim 8 and are patentable for at least the reasons stated in support of claim 8.

Claim Rejections 35 U.S.C. § 103


Claim 9 is rejected under 35 U.S.C. § 103 as unpatentable over Herrmann in view of U.S. Patent No. 5,602,485 to Mayer et al. (Mayer). Mayer discloses an

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For all the foregoing reasons, Applicant respectfully requests allowance of claims 1-12, 14-16, and 18-20.

Respectfully submitted,

RAINER HERRMANN et al

By 

Thomas J. Menard
Registration No. 42,877
Alix, Yale & Ristas, LLP
Attorney for Applicant

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750 Main Street
Hartford, CT 06103-2721
(860) 527-9211
Our Ref: GMH/416/US
TJM/io

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